

2003 DRAFTING REQUEST

Bill

Received: **08/13/2003**

Received By: **mlief**

Wanted: **Soon**

Identical to LRB:

For: **Steven Foti (608) 266-2401**

By/Representing: **cindy**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters:

Subject: **Courts - civil procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Foti@legis.state.wi.us**

Carbon copy (CC:) to: **kteel@cov.com**

Pre Topic:

No specific pre topic given

Topic:

Bond cap

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 08/13/2003	kfollett 08/13/2003		<u> </u> <u> </u>			
/1			chaugen 08/14/2003	<u> </u> <u> </u>	lemery 08/14/2003		
/2	mlief	kfollett	jfrantze	<u> </u>	sbasford		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/03/2003	09/04/2003	09/04/2003	_____	09/04/2003		
/3	mlief 09/09/2003	kfollett 09/09/2003	pgreensl 09/09/2003	_____ _____	mbarman 09/09/2003	lnorthro 09/22/2003	

FE Sent For:

<END>

↪ Not
Needed

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	09/03/2003	09/04/2003	09/04/2003	_____	09/04/2003		
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/2	mlief	kfollett	jfrantze		sbasford		

*13 kfk
9/9**9/9
p8*

09/04/2003 10:06:02 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	09/03/2003	09/04/2003	09/04/2003	_____	09/04/2003		

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08/14/2003 08:34:47 AM

Page 1

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/?	mlief 08/13/2003	kfollett 08/13/2003					
/1		12 kfb 9/4	chaugen 08/14/2003 9/4	Self 9/4	lemery 08/14/2003		

08/14/2003 08:34:48 AM

Page 2

FE Sent For:

<END>

08/13/2003 10:15:58 AM

Page 1

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1?	mlief	11/13/03	Dr 8-13	Dr 8-13 pb			

FE Sent For:

<END>



Wisconsin Legislature



Assembly Majority Leader Steve Foti

Date: 08-08-03

To: Rick Champagne Fax: 4-6948

From: Cindy - Rep. Fotsick Re: Bonding legislation

Pages: 2

☐ Urgent ☐ For Review ☐ Per Your Request ☐ Please Reply

● Comments:

Hi Rick -

Please draft the following legislation. It is somewhat urgent. Thanks!

Cindy

needed by
end of
8/11 week

State Capitol, 215 West, P.O. Box 8952, Madison, WI 53708
608-266-2401
Fax: 608-261-6925

07/17/03

Wisconsin Draft

WISCONSIN BONDING LEGISLATION

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 808.07 of the statutes is amended by adding a new subsection (7) to read:

"808.07(7). LIMITS ON UNDERTAKINGS.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the undertaking to be furnished during the pendency of all appeals or discretionary reviews of that judgment by any appellate courts in order to stay the execution thereon during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total undertaking that is required of all appellants collectively shall not exceed twenty-five million dollars (\$25,000,000), regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may enter orders that are necessary to protect the appellee and require the appellant to post a bond in an amount up to the total amount of the judgment."

SECTION 2. Effective Date

This Act shall take effect upon becoming law and shall apply to all cases pending on or filed on or after the effective date, except that this Act shall not be applied to reduce any undertaking that has already been furnished in any case that is under appeal on the effective date.

003

Date (time)
neededDue 8/15
by NOONLRB - ~~1009~~ 3108 1 1

BILL

MPL: kjf: _____

(D-N)

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *limiting the amount of bond set by a court in a civil action.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

Current law allows a trial or appellate court to require an appellant^{ant} in a civil case to post bond during the pendency of an appeal^{appeal}. This bill limits the amount of a coll- bond required of all appellants collectively to \$25,000.00.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

Sec #.

CR; 808.07 (2m)

808.07 (2m) ⁽³⁾ Limit on ^{undertaking} UNDER TAKING.

pendency
During the ~~pendency~~ of an appeal, a trial court
or appellate court may not require a collective undertaking
of all appellants ~~collectively~~ that exceeds
\$25,000,000.

Sec #.

Initial applicability.

applies to actions commenced on the effective
date of this subsection.

(End)

D-Note

MJL:kyj

Date

(D-N)

¶ Under Wisconsin law (s. 808.07(2)), a court
has the power to require an appellant to post bond
to cover ^{dissipation} dissipation of assets; therefore, I did
not include s. 808.07(7)(b) from the draft you
submitted. ©

MJL

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3108/1dn
MJL:kjf:ch

August 13, 2003

Under Wisconsin law s. 808.07 (2), a court has the power to require an appellant to post bond to cover dissipation of assets; therefore, I did not include s. 808.07 (7) (b) from the draft you submitted.

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

09/02/03

Wisconsin Draft

WISCONSIN BONDING LEGISLATION

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 808.07 of the statutes is amended by adding a new subsection (7) to read:

"808.07(7). LIMITS ON UNDERTAKINGS.

(a) If a plaintiff in a civil action obtains a judgment under any legal theory, the amount of the undertaking to be furnished during the pendency of all appeals or discretionary reviews of that judgment by any appellate courts in order to stay the execution thereon during the entire course of appellate review shall be set in accordance with applicable laws or court rules, except that the total undertaking that is required of all appellants collectively shall not exceed one hundred million dollars (\$100,000,000), regardless of the value of the judgment.

(b) Notwithstanding subsection (a), if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may require the appellant to post a bond in an amount up to the total amount of the judgment."

SECTION 2. Effective Date

This Act shall take effect upon becoming law and shall apply to all cases pending on or filed on or after the effective date, except that this Act shall not be applied to reduce any undertaking that has already been furnished in any case that is under appeal on the effective date.

9/3 - Change amt to \$100,000,000



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3108/1²

MJL/kjf

OTHER

2003 BILL

RMR

Reger

- 1 AN ACT *to create* 808.07 (2m) of the statutes; **relating to:** limiting the amount
2 of bond set by a court in a civil action.

Analysis by the Legislative Reference Bureau

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$¹⁰⁰25,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 808.07 (2m) of the statutes is created to read:
4 808.07 (2m) LIMIT ON UNDERTAKING. During the pendency of an appeal, a trial
5 court or appellate court may not require a collective undertaking of all appellants
6 that exceeds \$¹⁰⁰25,000,000.

- 7 SECTION 2. Initial applicability.

BILL

1 (1) This act first applies to actions commenced on the effective date of this
2 subsection.

3 (END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-31082

MJL:kjt/m

2003 BILL RMR

TODAY

9/9

Regen

The bill also provides that if an appellee proves by a preponderance of the evidence that an appellant is dissipating assets outside the ordinary course of business, a court may enter any order

- 1 AN ACT to create 808.07 (2m) of the statutes; relating to: limiting the amount
2 of bond set by a court in a civil action.

Analysis by the Legislative Reference Bureau

Current law allows a trial or appellate court to require an appellant in a civil case to post bond during the pendency of an appeal. This bill limits the amount of bond required of all appellants collectively to \$100,000,000.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 808.07 (2m) of the statutes is created to read:

- 4 (a) 808.07 (2m) LIMIT ON UNDERTAKING. During the pendency of an appeal, a trial
5 court or appellate court may not require ~~an~~ ^{an} undertaking of all appellants
6 that exceeds \$100,000,000. ^{collectively}

- 7 SECTION 2. Initial applicability.

INS 1-6

BILL

SECTION 2

or pending

1 (1) This act first applies to actions commenced on the effective date of this
2 subsection.

3 (END)

INS 1-6

✓
(b) Notwithstanding ~~so~~ par. (a), if an appellee proves by a preponderance of the evidence that an appellant^{ant} is dissipating assets outside the ordinary course of business to avoid payment of a judgment, a court may ~~and~~ enter any order necessary to protect the appellee and may require the appellant to post a bond ~~up~~ ^{in an amount} not to exceed the amount of the judgment.

Basford, Sarah

From: Raschka, Adam
Sent: Monday, September 22, 2003 8:48 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3108/3 Topic: Bond cap

It has been requested by <Raschka, Adam> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3108/3 Topic: Bond cap